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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

<p>TROY GROVOM,</p> <p>Plaintiff,</p> <p>vs.</p> <p>RACHEL DePUY, M.D.,</p> <p>Defendant.</p>	<p>Cause No. _____</p> <p>COMPLAINT AND DEMAND FOR JURY TRIAL</p>
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INTRODUCTION

This action seeks redress for personal injuries sustained by Plaintiff as a result of substandard medical care he was provided by Rachel DePuy, M.D. This substandard medical care resulted in damage to his sphincter muscle as well as other physical and emotional problems which forced Plaintiff to discontinue working and caused him damages. This complaint alleges negligence. Plaintiff, Troy Grovom, alleges as follows:

JURISDICTIONAL STATEMENT

1. This is an action brought in diversity. The amount in controversy exceeds the sum of \$75,000, exclusive of interests and costs and is between

citizens of different states. Troy Grovom is a citizen of Montana. Dr. Rachel DePuy is a citizen of Colorado. This Court has jurisdiction over this matter per 28 U.S.C. §1332(a).

2. Venue is proper per 28 U.S.C. § 1402(b) in that all, or a substantial part, of the acts and omissions forming the basis of these claims occurred in the District of Montana, and arose from medical care provided within Montana by Dr. Rachel DePuy. Plaintiff is a resident of Lake County, Montana.

3. This suit has been timely filed in that the date of medical malpractice occurred on 4/7/10 and the applicable statute of limitations per Mont. Code Ann. § 27-2-205(1) has not run. Moreover, the Plaintiff has complied with the Montana Medical Legal Panel Act, Mont. Code Ann. § 27-6-101, et al.

PARTIES

4. Plaintiff Troy Grovom is a resident of the State of Montana; he presently resides in or near Polson, Montana, and has resided there at all times relevant to this action.

5. Defendant Rachel DePuy, M.D. is a resident of the State of Colorado; she presently resides in or near Denver, Colorado.

FACTS

6. This is a medical negligence suit under applicable Montana law that exists as a result of departures from accepted standards of care committed by Defendant DePuy when she performed an internal hemorrhoidectomy on the Plaintiff.

7. Plaintiff was seen by the Defendant at the clinic in which she was employed in Polson, Montana, on September 15, 2009, for hemorrhoids and anal

fissure. On April 7, 2010, Dr. DePuy performed a hemorrhoidectomy and a lateral internal sphincterotomy for Plaintiff's anal fissure.

8. During the procedure, Dr. DePuy excised three hemorrhoid bundles and left three deep groves at the surgical sites. The groves extended beyond the surgical site and into the sphincter muscles themselves. Extensive cutting during the surgery caused nerve damage to the sphincter and the development of scar tissue, causing anal stenosis.

9. Following the surgery, Mr. Grovom had significant pain and incontinence with loose stool. He underwent extensive remedial medical treatment, including surgeries and the implantation of an artificial sphincter to permit Plaintiff from having to self-dilate in order to evacuate his stool. He also had, and continues to have, ongoing problems with constipation and bowel control.

COUNT I – NEGLIGENCE

Plaintiff realleges and incorporates by reference herein each and every allegation set forth above and, in addition thereto, alleges the following:

10. When providing medical care to patients, the Defendant has the duty to use such skill, prudence and diligence as other medical doctors practicing in the same field of medicine. This level of skill, prudence and diligence is the standard of care.

11. The failure of Defendant to abide by accepted medical standards in the hemorrhoidectomy of April 7, 2010, caused Plaintiff's injuries, losses and damages. These departures from the accepted standards include, but are not limited to, the problems identified in ¶8, above.

12. Alternatively, Defendant's negligent conduct aggravated Plaintiff's underlying and pre-existing anal sphincter muscle problems to a significant but unapportionable extent and/or it further deprived him of a chance of a better, benign outcome from this underlying, pre-existing condition.

13. As a result of the negligence of Defendant, Plaintiff has suffered and continues to suffer bodily and mental injuries, and has sustained and will sustain in the future, medical expenses, lost wages, pain and suffering, loss of established course of life, and other associated damages and compensable injuries.

JURY DEMAND

14. Plaintiff requests a jury in this matter per F.R.Civ.P. 38.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For all general, special, and compensatory damages in an amount to be determined at trial.
2. For all costs and expenses of suit as allowed by law.
3. For attorneys' fees as allowed by law.
4. For such further relief which to this Court may seem just and equitable.

DATED this 20th day of November, 2012.

DIX, HUNT & McDONALD

BY: /s/ James G Hunt
JAMES G. HUNT,
Attorneys for Plaintiff